



DEPARTMENT OF HEALTH & HUMAN SERVICES

93030d  
Public Health Service

Central Region

Telephone (973) 526-5006  
January 15, 2002

Food and Drug Administration  
Waterview Corporate Center  
10 Waterview Blvd., 3rd Floor  
Parsippany, NJ 07054

WARNING LETTER

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Peter A. La Monica  
President  
Cape May Foods, Inc.  
35 Indian Trail Road  
Burleigh, New Jersey 08210

File No.: 02-NWJ-15

Dear Mr. La Monica:

During an inspection of your facility on November 27-29, 2001, our investigator collected samples of your Scungilli Sliced Conch in 6.5 oz. and 29 oz. cans under Collection Report #103516 and #103517, respectively.

Our sample analysis found this product to be misbranded within the meaning of section 403(i)(2) of the Act in that the label fails to declare a sulfiting agent, sodium bisulfite, as an ingredient in the product, which is not exempt from labeling under 21 CFR 101.100(a)(4).

We acknowledge that you have conducted a recall of this product, however you should check the labeling of all raw materials to avoid mislabeling with other products.

In addition, label review of this product revealed that the declared net weight includes the weight of the water and is not the drained weight of the can. The net weight declaration on the can should be listed as drained weight.

As such, the servings per container would depend on the actual drained weight. If the drained weight is less than 110g then the product would meet the definition of a single service container and would have to be labeled accordingly.

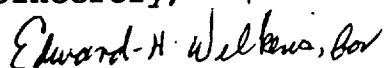
The above violations concern labeling requirements and are not meant to be an all-inclusive list of deficiencies on your labels. Label violations can subject the food to legal action. It is your responsibility to assure that your firm and its products are labeled in compliance with all applicable statutes enforced by FDA.

Cape May Foods (WL 02-NWJ-15)  
January 14, 2002  
Page Two

You should notify this office in writing within 15 working days of receipt of this letter outlining the specific steps you have taken to correct the noted violations along with a copy of the revised label. If corrective action cannot be completed within 15 working days, state the reason and the time within which the corrections will be completed.

Please submit your response to the Food and Drug Administration, 10 Waterview Blvd, 3<sup>rd</sup> Floor, Parsippany, New Jersey 07054, Attn: Rosa L. Brown, Compliance Technician.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edward H. Wilkins, for".

Douglas I. Ellsworth  
District Director  
New Jersey District Office